

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

<b>IN RE:</b>	§	<b>Case Number 14-70207</b>
	§	
<b>Michael Allan Cox</b>	§	
<b>Jamie Louise Mata</b>	§	
	§	
<b>Debtor(s)</b>	§	<b>CHAPTER 7</b>
	§	

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY  
AGAINST 2013 HONDA PILOT, WAIVER OF 30-DAY HEARING  
REQUIREMENT, AND REQUEST FOR HEARING**

COMES NOW DATCU CREDIT UNION (hereafter "Credit Union") complaining of Michael Allan Cox and Jamie Louise Mata ("Debtor(s)") and for cause of action would respectfully show the Court as follows:

**PURSUANT TO LOCAL BANKRUPTCY RULE 4001-1(b), A RESPONSE IS REQUIRED TO THIS MOTION, OR THE ALLEGATIONS IN THE MOTION MAY BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.**

**ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 1100 COMMERCE ST., ROOM 1254, DALLAS, TEXAS 75242 BEFORE CLOSE OF BUSINESS ON AUGUST 26, 2014, WHICH IS AT LEAST 14 DAYS FROM THE DATE OF SERVICE HEREOF. A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY AND ANY TRUSTEE OR EXAMINER APPOINTED IN THE CASE. ANY RESPONSE SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAY IS TO BE CONTINUED.**

1. This Court has jurisdiction over this proceeding pursuant to 28 U. S.C § 157 and 11 U.S.C. § 362. This is a core proceeding.
2. Debtors filed a petition pursuant to Chapter 7 of Title 11 on or about July 8, 2014.
3. Credit Union is a secured creditor of the above-referenced Debtors by virtue of a security interest in a 2013 Honda Pilot, Vehicle Identification Number ending 034835. Said debt and security interest are evidenced by the Retail Installment Sales

Contract and Certificate of Title attached hereto as Exhibits "A" and "B" respectively.

4. Credit Union is owed the balance amount of \$28,597.77 and the monthly payments are \$469.46. The vehicle loan is currently due for payments for June 28, 2014 through present.

5. But for the automatic stay, Credit Union could and would foreclose its lien on the collateral in which it holds a security interest.

6. Credit Union does not have, and Debtors are not able to offer, adequate protection of Credit Union's interest in the collateral securing Credit Union's debt.

7. Cause exists to terminate the automatic stay.

8. Because the collateral described herein depreciates and may not be insured, any order either terminating or conditioning the automatic stay should be effective immediately and there should be no stay after the entry of the order.

WHEREFORE, PREMISES CONSIDERED, Credit Union prays for:

An order of this Court granting Credit Union relief from the automatic stay imposed pursuant to 11 U.S.C. § 362 as to the property described above and any proceeds therefrom;

An order of this Court authorizing Credit Union to take immediate possession of the collateral which is the subject of this Motion, foreclose its lien on the collateral without further notice to the Debtors, the Trustee, or any other party in interest, to obtain all writs and other Court orders necessary to obtain possession of its collateral if it is not voluntarily surrendered by Debtors, to immediately sell the collateral and apply all proceeds of the sale against the above referenced debt owed to Credit Union;

An order of this Court that any order entered with regard to this Motion is

binding on Debtors in the event of a conversion of this case and on all successors in interest including, but not limited to, any Trustee appointed upon the conversion of this case.

An order of this Court finding that any order entered with regard to this Motion should be effective immediately upon its entry and should not be stayed following the entry of said order; and

For such other and further relief, both general and specific, to which Credit Union may show itself justly entitled.

Respectfully submitted,

By: /s/Christopher B. Henry  
Christopher B. Henry  
State Bar Number 24065400  
**MINOR & JESTER, P.C.**  
502 W. Oak St., Suite 200  
Denton, Texas 76201  
Telephone: 940/387-7585  
Facsimile: 940/808-0054

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 12th day of August, 2014, a true and correct copy of the foregoing was served via electronic means, if available, otherwise by regular first class U.S. Mail to the parties on the parties below.

/s/Christopher B. Henry  
Christopher B. Henry

**Debtors Attorney**

Monte J. White  
Monte J. White & Associates, P.C.  
1106 Brook Avenue  
Hamilton Place  
Wichita Falls, Texas 76301

**Debtor(s)**

Michael Allan Cox  
Jamie Louise Mata  
5109 Wildflower  
Wichita Falls, Texas 76310

**Trustee**

Shawn K. Brown  
P.O. Box 93749  
Southlake, Texas 76092

**U.S. Trustee**

Office of the U.S. Trustee  
Earle Cabell Federal Building  
1100 Commerce St., Room 976  
Dallas, Texas 75242